

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, MAY 5, 2014 – LEGISLATIVE CHAMBER, ROOM 314,
TOWN HALL, WEST HARTFORD, CT 06107**

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING CALLED AT 7:15 P.M.

ATTENDANCE: Kevin Ahern, Chair; Commissioners: Paul Freeman and Michael Seder; Alternates: Liz Gillette, Michele Maresca and John O'Donnell; Todd Dumais, Town Planner/Secretary to TPZ; Patrick Alair, Corporation Counsel; Cathy Dorau, Associate Planner.

ABSENT: Kevin Prestage, Vice-Chair; Commissioner: Jeffrey Daniels

MINUTES:

1. Approval of Minutes:

a. Minutes of Regular Meeting, Monday, April 7, 2014. (Motion/Freeman; Second/O'Donnell; O'Donnell seated for Daniels; Vote: 3-0.)

NEW BUSINESS:

90 Raymond Road –Application (IWW #999) of Delamar West Hartford, LLC (Robin Pearson, Attorney) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on May 5, 2014. Request to set required public hearing for joint hearing with the Town Council on May 27, 2014, pursuant to West Hartford Code of Ordinances of §177-42D.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Freeman; Second/Seder) (Gillette seated for Prestage) (O'Donnell seated for Daniels) (Maresca recused herself) to set this matter for joint public hearing of the Town Council and Town Plan & Zoning Commission/IWWA on Tuesday, May 27, 2014 at 5:30 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

90 Raymond Road - Application (IWW #1000) of Delamar West Hartford, LLC (Robin Pearson, Attorney) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant is proposing to construct a six-story hotel of approximately 118,000 sf with a footprint of approximately 19,400 sf. Site improvements include a pavilion, parking, driveways, walkways, utility and drainage, and extensive landscaping much of which will be located within the upland review area on the property. No direct wetland impacts are proposed. (Submitted for IWWA receipt on May 5, 2014. Presented for determination of significance. If determined significant, request to set required

public hearing for joint hearing with the Town Council on May 27, 2014, pursuant to West Hartford Code of Ordinances of §177-42D.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Freeman; Second/Gillette) (Gillette seated for Prestage) (O'Donnell seated for Daniels) (Maresca recused herself) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for joint public hearing of the Town Council and Town Plan & Zoning Commission/IWWA on Tuesday, May 27, 2014 at 5:30 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

90 Raymond Road - Application (SUP #1258) of the Delamar West Hartford, LLC (Robin Pearson, Attorney) seeking a Special Use Permit to authorize two (2) outdoor dining areas totaling one hundred (100) seats associated with a proposed restaurant to be located within the proposed six story hotel. (Submitted for TPZ receipt on May 5, 2014. Request to set required public hearing for joint hearing with the Town Council on May 27, 2014, pursuant to West Hartford Code of Ordinances of §177-42D.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Freeman; Second/O'Donnell)(O'Donnell seated for Daniels) (Gillette seated for Prestage) (Maresca recused herself) to schedule this matter for joint public hearing of the Town Council and Town Plan & Zoning Commission/IWWA on Tuesday, May 27, 2014 at 5:30 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

425 Oakwood Avenue – Application (SUP #1256) of the Town of West Hartford (Robert Palmer, Director of Plant & Facilities Services) seeking a Special Use Permit to allow for the demolition of the existing Charter Oak School and the construction of a state-of-the-art, energy efficient two-story elementary school and associated site amenities and improvements including utilities, drainage, landscaping, playgrounds, parking areas, driveways and sidewalks. (Submitted for TPZ receipt on May 5, 2014. Suggest required public hearing be scheduled for June 2, 2014.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Freeman; Second/Seder)(Gillette seated for Prestage)(Maresca seated for Daniels) to schedule this matter for public hearing on Monday, June 2, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

243 Steele Road - Application (IWW #908-R1-14) of Steele road, LLC requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant is proposing to demolish the existing Mercynoll building and construct a two hundred (200) unit apartment complex with associated site amenities including a clubhouse, pool, new parking and driveway areas and to construct associated site grading, drainage and landscape improvements. (Submitted for IWWA receipt on May 5, 2014. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/O'Donnell;

Second/Gillette) (O'Donnell seated for Prestage)(Gillette seated for Daniels)(Maresca recused herself) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Wednesday, June 11, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

847 South Quaker Lane - Application (IWW #1001) of the Town of West Hartford (Helen Rubino-Turco, Director of Leisure Services) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The Town is proposing to renovate the existing bath house and swimming pools at Beachland Park and make associated site improvements including new parking areas and a driveway loop. Portions of each of the proposed activities are within the 150' upland review area. (Submitted for IWWA receipt on May 5, 2014. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Freeman; Second/Maresca) (Maresca seated for Prestage)(O'Donnell seated for Daniels) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Wednesday, June 11, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

847 South Quaker Lane (Beachland Park) - Application (SUP #1257) of the Town of West Hartford (Helen Rubino-Turco, Director of Leisure Services) seeking a Special Use Permit to renovate the existing bath house and swimming pools at Beachland Park and make associated site improvements including new parking areas and a driveway loop. (Submitted for TPZ receipt on May 5, 2014. Suggest required public hearing be scheduled for June 2, 2014.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Freeman; Second/Seder)(Maresca seated for Prestage)(O'Donnell seated for Daniels) to schedule this matter for public hearing on Wednesday, June 11, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

93 Waterside Lane - Application (IWW #1002) of Thomas Piquette (Owner) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Woodridge Lake). The applicant is proposing an addition to the rear of the home and to the garage along with a covered entry. A new driveway is proposed with associated grading. A majority of the site improvements fall within the 150' regulated area. (Submitted for IWWA receipt on May 5, 2014. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Freeman; Second/Seder (Gillette seated for Prestage)(Maresca seated for Daniels) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Monday, June 2, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

71 Isham Road - Application (SUP #1254) of West Hartford World of Beer (WOB) LLC (Glen Straub, Contact) seeking a Special Use Permit to authorize a fifteen (15) seat outdoor dining area. The outdoor dining area will include a permanent retractable canopy, an umbrella, 42" high railing enclosure and propane heating units. No speakers are proposed. (Submitted for TPZ receipt on May 5, 2014. Suggest required public hearing be scheduled for June 2, 2014.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Freeman; Second/Seder)(O'Donnell seated for Prestage) (Gillette seated for Daniels) to schedule this matter for public hearing on Monday, June 2, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

134 Norwood Road - Application (SUP #1255) of The Hartford Golf Club (Brian Higgins, General Manager) seeking a Special Use Permit to install a sand storage container (sand silo) which will disperse clean, dry, and uncontaminated top dressing sand. (Submitted for TPZ receipt on May 5, 2014. Suggest required public hearing be scheduled for June 2, 2014.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Freeman; Second/Seder)(O'Donnell seated for Daniels) (Maresca seated for Prestage) to schedule this matter for public hearing on Monday, June 2, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON MAY 5, 2014:

100 Mayflower Street – Application (SUP #1253) of the West Hartford YMCA (Shawn Fongemie, Director) requesting approval to utilize the gymnasium, locker rooms and lower level space (approximately 12,000 sf) within St. Brigid School for after school, night, weekend and summer camp programs. (Submitted for TPZ receipt on April 7, 2014. Required public hearing scheduled for May 5, 2014.) ****Formal request to withdraw the application by the applicant.*

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by unanimous vote (5-0) (Motion/Freeman; Second/Seder)(Gillette seated for Prestage; Maresca seated for Daniels) to accept your request for withdrawal.

2 Ferncliff Drive – Application (IWW #998) of ZAP Group, LLC (G. Patchen, Contact) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on April 7, 2014. Required public hearing scheduled for May 5, 2014.) ****Formal request by the applicant to postpone the public hearing until the next regularly scheduled meeting in June*

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Freeman; Second/Seder) (Gillette seated for Daniels; O'Donnell seated for Prestage); to postpone this matter at the applicant's request, for public hearing on Monday, June 2, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

526 New Park Avenue (East West Grille) - Application (SUP #1251) of Manola Sidara, Owner of East West Grille (Brett Bowin, Architect) seeking a Special Use Permit to establish an outdoor dining area with a seating capacity of sixteen (16) seats. Proposal includes a vinyl fence enclosure, outdoor speakers, umbrellas as well as plantings along the outer perimeter of the dining area. (Submitted for TPZ receipt on March 3, 2014. Required public hearing scheduled for April 7, 2014. Public hearing postponed to May 5, 2014 at the applicant's request

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)**(Motion/Seder; Second/Freeman (Gillette seated for Prestage) (Maresca seated for Daniels) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of and 177.37.2 of the West Hartford Code of Ordinances.
2. Plans on file shall guide the appearance and operation of the outdoor dining area.
3. The applicant shall comply with the operational statement submitted as part of the application. The operational statement shall be stripped onto the final plan.
4. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by May 2016 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
5. This letter of approval shall be stripped onto the final plan.

15 Greenridge Lane – Application (IWW #996) of Sheldon Crosby, Architect (R. Crandall, R.O.) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on April 7, 2014. Required public hearing scheduled for May 5, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the IWWA acted by **unanimous vote (5-0)** (Motion/Seder; Second/Freeman) (Gillette seated for Prestage; Maresca seated for Daniels) to **APPROVE** the subject application. During its discussion and deliberation on this matter, the Agency made the following findings:

1. The proposed amendment has been prepared by a certified soil scientist and is based on an on-site soil survey following approved wetland identification techniques.
2. A mylar of the approved wetland map amendment shall be provided to the Town Planning Office for filing in the wetland map files. The approved amendment shall also be submitted in electronic format for inclusion into the Town's Geographic Information System.

15 Greenridge Lane – Application (IWW #997) of Sheldon Crosby, Architect (R. Crandall, R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant is proposing the removal of the existing deck and construction of a new wine cellar, screened porch and deck within the 150' regulated area. (Submitted for IWWA receipt on April 7, 2014. Determined to be significant and set for public hearing on May 5, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous (5-0)** (Motion/Freeman; Second/Seder (O'Donnell seated for Prestage) (Gillette seated for Daniels) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

15 GREENRIDGE LANE
INLAND WETLAND APPLICATION IWW #997
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **15 Greenridge Lane** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #997** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's soil scientist, Scott Stevens, Registered Soil Scientist with Soil Science and environmental Services, Inc. has submitted a report dated March 21, 2014.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located 15 Greenridge Lane.

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) Town Engineering Division shall receive copies of all material received by IWWA and DEP.
- 3.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
- 4.) This IWWA permit approval shall be stripped onto the final set plan.
- 5.) The applicant shall retain a professional engineer to oversee construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all drainage facilities, and all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

- 1) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Biweekly inspection reports shall be provided to the Town Planner and Town Engineer.
- 2) Removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan.
- 3) Disturbed areas that will remain idle for extended periods shall be mulched or temporarily seeded for erosion control. In addition, the site contractor shall keep an adequate supply of mulch on site at all times. The Director of Community Services or his designee may order the application of mulch to any area which may have erosion potential.
- 4) The top soil will be stockpiled only in an approved location and shall be contained by baled hay or screen filters which will be installed and maintained around the entire perimeter.
- 5) No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.
- 6) Filters or hay bales shall be installed around all catch basins inlet grates.
- 7) During construction, outlets of the drainage system shall be protected by hay bale filtration screens or splash pools.
- 8) As soon as rock and earthwork has been completed and established and the major utility installation finished, the base course of asphalt shall be properly installed to prevent further erosion.
- 9) The accumulated sediment in stilling basins or sediment traps shall be removed on a regular basis.
- 10) In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed consistent with the location and type discussed during the public hearing and deliberations on the application.
- 11) The placement and maintenance of hay bales, sediment screens and other erosion and sediment control measures must meet or exceed specifications set forth in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, by the Connecticut Council on Soil and Water Conservation.
- 12) The permit shall expire if not exercised within two (2) years from the date of

- Issuance; or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.
- 13) Town Engineering Division shall receive copies of all material received by IWWA.
 - 14) The applicant shall retain a professional engineer to oversee the construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.
 - 15) The post construction maintenance plan addressing the on site drainage system provided on the final plan shall be adhered to.

993 North Main Street –Application (SUP #1085-R2-14) of Veterinary Specialists of Connecticut (David Hoopes, Attorney) requesting a modification to the Special Use Permit approved on July 2, 2007 to allow emergency veterinary services daily between the hours of 8pm and 7am. (Submitted for TPZ receipt on April 7, 2014. Required public hearing scheduled for May 5, 2014.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Freeman; Second/O'Donnell) (O'Donnell seated for Prestage) (Gillette seated for Daniels) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by May 2016 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

90 Stoner Drive - Application (SUB #293) of Henry W. Nozko, Jr., Co-Executor of the Estates of Henry W. and Victoria C. Nozko (Glen Martin, Architect) requesting approval of a re-subdivision of an approximately 1.83 acre parcel. The proposed lot is approximately 32,981 sf.

The property is located in an R-20 single family zone requiring a minimum lot area of 20,000 sf. (Submitted for TPZ receipt on April 7, 2014. Required public hearing scheduled for May 5, 2014.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote** (5-0) (Motion/Seder; Second/Maresca)(O'Donnell seated for Daniels; Maresca seated for Prestage) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings:

1. The proposed resubdivision is consistent with the requirements of the Subdivision Regulations found in Chapter 184 of the West Hartford Code of Ordinances.
2. The proposed subdivision is consistent with the applicable requirements of the West Hartford Zoning Ordinances found in Chapter 177.
3. All work associated with the abandonment of the existing site driveway and sanitary laterals and construction of the new driveway for access to (Lot B) shall be completed prior to the conveyance of (Lot A).
4. Final approved plans shall be submitted in electronic form for inclusion into the Town's Geographic Information System (GIS).
5. The letter of approval shall be stripped onto the final plan set.

97 Waterside Lane - Application (IWW #995) of Bryan Stolz, Landscape Designer (C. Gobes and A. Masciocchi, R.O.s) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Woodridge Lake). The applicant is proposing to rebuild a portion of the existing water wall along with associated grading, drainage and landscape improvements within the 150' regulated area. (Submitted for IWWA receipt on April 7, 2014. Determined to be significant and set for public hearing on May 5, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous (5-0)** (Motion/Seder; Second/Freeman) (Maresca seated for Daniels) (Gillette seated for Prestage); to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

97 WATERSIDE LANE
INLAND WETLAND APPLICATION IWW #995
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **97 Waterside Lane** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #995** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To

support this action, the applicant's professional engineer, Thomas Arcari, Harry E. Cole & Son has submitted a report dated February 25, 2014.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses

Regulations of the Town of West Hartford. Said parcel of land is located 97 Waterside Lane.

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) Town Engineering Division shall receive copies of all material received by IWWA and DEP.
- 3.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
- 4.) This IWWA permit approval shall be stripped onto the final set plan.
- 5.) The applicant shall retain a professional engineer to oversee construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all drainage facilities, and all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

- 4) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Biweekly inspection reports shall be provided to the Town Planner and Town Engineer.
- 5) Removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan.
- 6) Disturbed areas that will remain idle for extended periods shall be mulched or temporarily seeded for erosion control. In addition, the site contractor shall keep an adequate supply of mulch on site at all times. The Director of Community Services or his designee may order the application of mulch to any area which may have erosion potential.
- 4) The top soil will be stockpiled only in an approved location and shall be contained by baled hay or screen filters which will be installed and maintained around the entire perimeter.
- 5) No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed

- areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.
- 6) Filters or hay bales shall be installed around all catch basins inlet grates.
 - 7) During construction, outlets of the drainage system shall be protected by hay bale filtration screens or splash pools.
 - 8) As soon as rock and earthwork has been completed and established and the major utility installation finished, the base course of asphalt shall be properly installed to prevent further erosion.
 - 9) The accumulated sediment in stilling basins or sediment traps shall be removed on a regular basis.
 - 10) In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed consistent with the location and type discussed during the public hearing and deliberations on the application.
 - 11) The placement and maintenance of hay bales, sediment screens and other erosion and sediment control measures must meet or exceed specifications set forth in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, by the Connecticut Council on Soil and Water Conservation.
 - 12) The permit shall expire if not exercised within two (2) years from the date of Issuance; or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.
 - 13) Town Engineering Division shall receive copies of all material received by IWWA.
 - 14) The applicant shall retain a professional engineer to oversee the construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.
 - 16) The post construction maintenance plan addressing the on site drainage system provided on the final plan shall be adhered to.

60 (aka 52) Lasalle Road - Application (SUP #1252) of Erika Johns (Applicant, Generation Y) seeking a Special Use Permit to establish a licensed day care facility, Generation Y. The facility offers programs and classes for school aged children which include arts and crafts, fitness and homework clubs. Hours vary but are primarily after school to 7:30 pm during the week, 11am-5pm Saturday and open Sunday for private parties only. (Submitted for TPZ receipt on March 3, 2014. Required public hearing scheduled for April 7, 2014. Public hearing postponed to May 5, 2014 at the applicant's request.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Seder; Second/Freeman (Maresca seated for Prestage; O'Donnell seated for Daniels) to postpone the public hearing with your consent to an extension of time pursuant to Connecticut General Statutes, Chapter 124, Section 8-7d to Wednesday, June 11, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall , 50 South Main Street.

TOWN COUNCIL REFERRALS AND REQUEST FOR REPORT:

40 South Main Street, 65 Memorial Road, 85 Memorial Road, 38 Isham Road and 75 Isham Road (Blue Back Square) – Application (SDD #113-R1-14) on behalf of SOF-IX Blueback Square Holdings, L.P. (“BBS”), owner of certain commercial property known as “Blue Back Square” and including 40 South Main Street, 65 Memorial Road, 85 Memorial Road, 38 Isham Road and 75

Isham Road (the “Premises”) to amend the conditions of approval for SDD #113 to grant general permission for outdoor dining as an accessory use throughout the Premises, but in each instance subject to and conditioned upon subsequent approval and permitting of each such proposed accessory use under one of the following sections of the West Hartford Code of Ordinances (the “Code”): § 177-37.2, § 155-26, and § 177-6(C). (1109).

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Freeman; Second/Seder) (Gillette seated for Prestage) (Maresca seated for Daniels) to **RECOMMEND APPROVAL** of the subject application.

During its discussion and deliberation on this matter, the Commission made the following findings:

1. The Commission finds the request to be consistent with the Plan of Conservation and Development and notes that this application will improve efficiencies in the Outdoor Dining Permit process for tenants within Blue Back Square.

161 Oakwood Avenue - Application (SDD #138) on behalf of Harvest Country Store, LLC and SGL1, LLC, lessee and owner, respectively, of property at 161 Oakwood Avenue, West Hartford to allow the retail sale of beer pursuant to a grocery store beer permit under C.G.S. § 30-20(b), necessitating relief from § 177-36 of the West Hartford Zoning Code (“Code”) which requires a 200 foot separation from the front door of the grocery store to a public park where only 119 feet is provided. This application seeks to place the Property into a special development district to provide relief from Code § 177-36 and to provide greater control over the use of the Property.

After a detailed review of the application and its related exhibits and after consideration of staff Second/Seder) (O’Donnell seated for Prestage) (Gillette seated for Daniels). **The motion to approve failed by majority vote (1-4) (O’Donnell voted “yes”).**

During its discussion and deliberation on this matter, the Commission made the following findings:

1. The Commission finds that the application of a Special Development District plan to achieve relief from § 177-36 B of the West Hartford Zoning Code is the improper zoning mechanism to realize the applicant’s goal.
2. All but one of those members voting against recommending this applicant's request did not raise objection to the nature of the request, nor did they find that the reduced distance proposed here would prove detrimental to the neighborhood. However, the majority found that the question raised by the application is one of generally applicable zoning policy, which is best addressed by examining the ordinance itself and considering amending or eliminating the policy of a strict distance requirement, rather than granting a specific exception for a particular applicant through an SDD.

90 Raymond Road - Application on behalf of Delamar West Hartford LLC “Delamar”), the intended lessee for a portion of the property owned by the Town of West Hartford at 90 Raymond Road, West Hartford (“Property”) to develop and construct a 117-room, six-story hotel with restaurant, outdoor dining, banquet facility and related site improvements on approximately 2.8 acres at the south east corner of the intersection of Raymond and Memorial Roads (“Premises”). Delamar seeks to change the current zoning for the Premises from Central Business District (“BC”) and SDD to a Central Business District-High Intensive (“CDBH”) underlying zone within a new, hotel special development district to be known as 1 Memorial Road (SDD #140). (Town Council receipt on April 24, 2014. Request to set for joint public hearing of Town Council and TPZ on May 27, 2014.) **TABLED TO JUNE 2, 2014. (Motion/Freeman; Second/O’Donnell)(O’Donnell seated for Prestage)(Gillette seated for Daniels)(Maresca recused herself)(5-0)**

Ordinance – Permitting Hotels to Provide Full Service Dining. (Town Council receipt on April 24, 2014. Request to set for joint public hearing of Town Council and TPZ on May 27, 2014.) **TABLED TO JUNE 2, 2014. (Motion/Freeman; Second/O'Donnell)(O'Donnell seated for Prestage) (Gillette seated for Daniels)(Maresca recused herself)(5-0)**

Resolution – West Hartford / Delamar Lease Agreement - Resolution of the Town Manager authorizing the execution of a ground lease agreement between the Town of West Hartford and Delamar West Hartford LLC which provides for the lease of real estate by the Town of West Hartford to Delamar West Hartford LLC (90 Raymond Road) together with an option to purchase said property; and provides for the execution of an ancillary parking agreement between Delamar West Hartford LLC, the Town of West Hartford and the West Hartford Center Special Services District to allow for the efficient operation of their respective real estate uses. (Town Council receipt on April 24, 2014. Request to set for joint public hearing of Town Council and TPZ on May 27, 2014.) **TABLED TO JUNE 2, 2014. (Motion/Freeman; Second/O'Donnell)(O'Donnell seated for Prestage)(Gillette seated for Daniels) (Maresca recused herself)(5-0)**

Ordinance Amending Zoning Application Procedures – Ordinance from the Town Manager to amend the zoning application procedures, Section 177-41. Changes include the requirement of applicant's to address refuse collection and recycling and to provide an email address to receive formal communications from the Town. The amendments will parallel state zoning law. (Town Council receipt on April 10, 2014. TPZ receipt on May 5, 2014. Town Council public hearing scheduled for May 13, 2014.)

After a detailed review of the proposed ordinance, the TPZ acted by **unanimous vote (5-0)** (Motion/Freeman; Second/O'Donnell)(O'Donnell seated for Prestage)(Gillette seated for Daniels) to **RECOMMEND APPROVAL** of the subject ordinance.

Ordinance Permitting Residential Dwellings within the IG and IR Districts – Ordinance from the Town Manager to permit residential dwelling units within the IG and IR Districts to promote mixed use projects and housing opportunities as outlined in the Town's Plan of Conservation and Development. (Town Council receipt on March 25, 2014. TPZ receipt on May 5, 2014. Town Council public hearing scheduled for May 13, 2014.)

After a detailed review of the proposed ordinance, the TPZ acted by **unanimous vote (5-0)** (Motion/Seder; Second/Freeman)(O'Donnell seated for Prestage)(Gillette seated for Daniels) to **RECOMMEND APPROVAL** of the subject ordinance. The Commission finds that the proposed ordinance change is consistent with goals, policies and plan implementation actions of the Plan of Conservation and Development.

Ordinance Permitting Certain Exemptions from Maximum Building Height Requirements – Ordinance from the Town Manager to permit certain exemptions from the maximum building height requirements, Section 177-21. The current ordinance does not adequately allow for the installation of equipment and the need for additional overall building height. Height limitations shall not apply to parapet walls above the actual roof height. (Town Council receipt on March 25, 2014. TPZ receipt on May 5, 2014. Town Council public hearing scheduled for May 13, 2014.)

After a detailed review of the proposed ordinance, the TPZ acted by **unanimous vote**

(**5-0**) (Motion/O'Donnell; Second/Gillette)(O'Donnell seated for Prestage)(Gillette seated for Daniels) to **RECOMMEND APPROVAL** of the subject ordinance.

243 Steele Road - Application on behalf of Steele Road, LLC, the contract purchaser under an agreement with Mercyknoll Incorporated, owner of 243 Steele Road, to amend Special Development district #33 (243, 253-275 Steele Road and 2021 Albany Avenue) to separate 243 Steele Road from SDD #33, to demolish the vacant Mercyknoll structure, and to construct a 200-unit multifamily apartment complex with pool and clubhouse at 243 Steele Road within a new SDD (SDD #139). (Town Council receipt on April 24, 2014. TPZ receipt on May 5, 2014. Town Council public hearing scheduled for May 29, 2014.) **TABLED TO JUNE 11, 2014. (Motion/Seder; Second/Freeman)(O'Donnell seated for Prestage)(Gillette seated for Daniels)(5-0)**

Letter requesting waiver of Section 177-44C(3) for Special Development District Designation Application for Mixed Use Residential and Commercial Building with the Underground Parking, 11-17 South Main Street.
Motion to receive accepted. **(Motion/O'Donnell; Second/Freeman)(O'Donnell seated for Prestage)(Gillette seated for Daniels)(5-0)**

ADJOURNMENT: Motion/Seder; Second/O'Donnell (5-0). Meeting adjourned 9:50 PM.